

Memorandum

To: All Parties
Colusa Generating Station Proceeding
(Docket No. 06-AFC-6)

Date : June 26, 2007

Telephone: (916) 654-5103

From: **California Energy Commission - Paul Kramer, Hearing Adviser**
1516 Ninth Street
Sacramento CA 95814-5512

Subject: June 21, 2007 Applicant's Request for Revised Scheduling Order

On June 21, 2007, E&L Westcoast, LLC., the Applicant in this proceeding, filed a request for a Revised Scheduling Order. The Colusa AFC Committee invites comments on that request from the parties. Comments shall be filed **on or before Monday, July 2, 2007**, with an electronic copy to the Hearing Adviser (pkramer@energy.state.ca.us). If sufficient information is contained in the Applicant's and other filings, the Committee will issue an order based on those filings; if additional information or discussion is necessary, the Committee will set a Status Conference for that purpose.

Interested members of the public may also submit comments on the Applicant's request by the above deadline.

A copy of the Applicant's request is attached for your convenience.

Attachment

LATHAM & WATKINS^{LLP}

June 20, 2007

VIA FEDEX

John L. Geesman
Commissioner and Presiding Member
Colusa AFC Committee
California Energy Commission
1516 Ninth Street, MS-14
Sacramento, CA 95814

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File No. 030137-0008

DOCKET	
06-AFC-9	
DATE	JUN 20 2007
RECD.	JUN 21 2007

Re: Colusa Generating Station—CEC Docket No. 06-AFC-9
(Application for Certification) ("AFC"): Request for Revised Scheduling Order

Dear Mr. Geesman:

On behalf of E&L Westcoast, LLC ("E&L"), the applicant for the above-referenced Colusa Generating Station, I am requesting, pursuant to 20 Cal. Code Regs. § 1709.7(c), the adoption of a revised Scheduling Order establishing a new schedule for the project.

California Energy Commission ("CEC") staff's review of the AFC has not progressed according to the Scheduling Order adopted by the Colusa AFC Committee on February 1, 2007. Under the current Scheduling Order, staff was required to file a Preliminary Staff Assessment ("PSA") by May 14, 2007, and a Final Staff Assessment ("FSA") by July 11, 2007. More than a month after its due date, the PSA has yet to be filed. In the meantime, review of the proposed project by other interested parties has proceeded according to schedule. The Colusa County Air Pollution Control District issued a Preliminary Determination of Compliance for the project on April 18, 2007, and a Final Determination of Compliance on June 11, 2007. Colusa County issued a determination of completeness for applications related to necessary land use approvals on June 7, 2007, and is currently awaiting the CEC staff's assessment of the project in order to proceed with the requested actions.

Pursuant to the Purchase and Sale Agreement that E&L has executed with PG&E, E&L is required to complete development of the project according to a rigid schedule which requires that the CEC process proceed on schedule.

I request that pursuant to your authority under 20 Cal. Code Regs. § 1709.7(c), which allows the Presiding Member to "change the schedule at any time upon motion by any party," the Scheduling Order be modified to require staff to file a PSA by June 30, 2007 and an FSA by

LATHAM & WATKINS LLP

July 31, 2007. I further request that the Committee require staff to adhere to the revised schedule, or proceed without the benefit of staff's analysis.

Respectfully,


Michael J. Carroll *per*
of LATHAM & WATKINS LLP

cc: Andy Welch, Competitive Power Ventures
Jack Caswell, CEC Project Manager